§14–5D–01.

(a) In this subtitle the following words have the meanings indicated.
(b) "Alternate supervising physician" means one or more physicians designated by the supervising physician to provide supervision of an athletic trainer:
   (1) During the absence of the supervising physician; and
   (2) In accordance with the evaluation and treatment protocol on file with the Board.
(c) "Athlete" means an individual who participates in an athletic activity.
(d) "Athletic activity" means exercise, recreation, sport, competition, or game that:
   (1) Requires physical strength, range of motion, flexibility, control, speed, stamina, or agility; and
   (2) Is associated with a setting as defined under this section, an educational institution, or a professional, amateur, or recreational sports club or athletic organization.
(e) "Athletic injury" means an injury that affects an athlete’s participation or performance in an athletic activity.
(f) "Board" means the State Board of Physicians.
(g) "Committee" means the Athletic Trainer Advisory Committee established under § 14–5D–04 of this subtitle.
(h) "Educational institution" includes:
   (1) The schools in the public elementary and secondary education system of the State;
   (2) A noncollegiate educational institution governed under § 2–206 of the Education Article; and
   (3) An institution of higher education as defined in § 10–101 of the Education Article.
(i) "Evaluation and treatment protocol" means a document that is executed by a physician and an athletic trainer that meets the requirements of § 14–5D–11 of this subtitle.
(j) "License" means a license issued by the Board to practice athletic training.
(k) "Licensed athletic trainer" means an individual who is licensed by the Board to practice athletic training.
(l) "Licensed health care practitioner" means an individual licensed, certified, or otherwise authorized to practice a health occupation under this article.
(m) "National certifying board" means the National Athletic Trainers’ Association Board of Certification, Inc., or its successor organization.
(n) "Nonsupervising physician" means a physician licensed by the Board who is not the supervising physician of the licensed athletic trainer.
(o) "Outside referral" means a request for treatment from a nonsupervising physician or licensed health care practitioner.
(p)

(1) "Practice athletic training" means application of the following principles and methods for managing athletic injuries for athletes in good overall health under the supervision of a licensed physician:
   (i) Prevention;
   (ii) Clinical evaluation and assessment;
   (iii) Immediate care; and
   (iv) Treatment, rehabilitation, and reconditioning.
(2) "Practice athletic training" includes:
Organization and administration of an athletic training program; and
Instruction to coaches, athletes, parents, medical personnel, and community members regarding the care and prevention of athletic injuries.

(3) “Practice athletic training” does not include:
(i) The practice of:
1. Chiropractic, including adjustments, manipulation, or high velocity mobilizations of the spine or extremities;
2. Massage therapy;
3. Medicine;
4. Occupational therapy;
5. Physical therapy; or
6. Podiatry;
(ii) The reconditioning of systemic neurologic injuries, conditions, or disease; or
(iii) Except for the conditioning of an athlete under the supervision of a treating physician, the treatment, rehabilitation, or reconditioning of nonathletic injuries or disease.

(q) “Setting” means a:
(1) Location where an athletic activity, as defined in subsection (d) of this section, is being held;
(2) Health or fitness club;
(3) Clinic or hospital;
(4) Corporation; or
(5) Government agency.

(r) “Supervising physician” means a physician who has been approved by the Board to supervise one or more athletic trainers.

(s) “Supervision” means the responsibility of a physician to provide ongoing and immediately available instruction, in person, by telephone, or by other electronic means, that is adequate to ensure the safety and welfare of a patient and is appropriate to the setting.

§14–5D–02.
This subtitle does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

§14–5D–03.

(a)
(1) The Board shall set reasonable fees for the issuance and renewal of licenses and the other services it provides to athletic trainers.
(2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the licensure program and the other services provided to athletic trainers, including the cost of providing a rehabilitation program for athletic trainers under § 14–401.1(g) of this title.

(b)
(1) The Board shall pay all fees collected under the provisions of this subtitle to the Comptroller.
(2) The Comptroller shall distribute all fees to the Board.

(c) The fees shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this subtitle.

14–5D–04.
There is an Athletic Trainer Advisory Committee within the Board.

§14–5D–05.

(a) The Committee consists of 11 members appointed by the Board as follows:
On or before September 30, 2011, three athletic trainers who:
1. Are certified by a national certifying board; and
2. Have a minimum of 5 years of clinical experience; and

On or after October 1, 2011, three licensed athletic trainers who:
1. Are certified by a national certifying board; and
2. Have a minimum of 5 years of clinical experience;

Three licensed physicians:
1. At least one of whom is a specialist in orthopedic or sports medicine; and
2. Two of whom previously or currently have partnered with or directed an athletic trainer

One licensed chiropractor who has sports medicine experience;
One licensed physical therapist;
One licensed occupational therapist; and
Two consumer members.

The athletic trainer members may be appointed by the Board from a list of qualified individuals submitted to the Board by the Maryland Athletic Trainers Association, Inc.
The Board may request an additional list of nominees for each vacancy.
The consumer member of the Committee:
1. Shall be a member of the general public;
2. May not be or ever have been:
   1. An athletic trainer;
   2. A health care professional; or
   3. In training to be an athletic trainer or other health professional; and
3. May not:
   1. Participate or ever have participated in a commercial or professional field related to athletic training;
   2. Have had within 2 years before appointment a financial interest in a person regulated by the Board; or
   3. Have had within 2 years before appointment a financial interest in the provision of goods or services to athletic trainers or to the field of athletic training.

The term of a member is 3 years.
The terms of members are staggered as required by the terms provided for members of the Committee on October 1, 2009.
At the end of a term, a member continues to serve until a successor is appointed.
A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

From among its members, the Committee shall elect a chair every 2 years.
The chair shall serve in an advisory capacity to the Board as a representative of the Committee.

§14–5D–06.

In addition to the powers set forth elsewhere in this subtitle, the Committee shall:
1. Develop and recommend to the Board regulations to carry out this subtitle;
2. Develop and recommend to the Board continuing education requirements for license renewal;
3. Provide the Board with recommendations concerning the practice of athletic training;
4. Develop and recommend to the Board an evaluation and treatment protocol for use by an athletic trainer and the physician with whom the athletic trainer practices;
5. Recommend to the Board approval, modification, or disapproval of individual
§14–5D–06.

(a) The Board shall:
   (1) Consider all recommendations of the Committee; and
   (2) Provide to the Committee an annual report on the disciplinary matters involving licensees.

§14–5D–07.

(a) Except as otherwise provided in this subtitle, on or after October 1, 2011, an individual shall be licensed by the Board before the individual may practice athletic training in the State.

(b) This section does not apply to:
   (1) An individual employed by the federal government as an athletic trainer while the individual is practicing within the scope of that employment;
   (2) An individual employed by or under contract with an entity located in another state who represents that entity:
      (i) At an athletic event in the State;
      (ii) For a period of time not to exceed 45 days within a calendar year; and
      (iii) By providing athletic training services to individuals representing the entity at the event; or
   (3) A student enrolled in an education program that meets the criteria of § 14–5D–08(c)(2) of this subtitle while engaged in an unpaid, clinical educational experience of athletic training.

§14–5D–08.

(a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall:
   (1) Be of good moral character;
   (2) Be at least 18 years old; and
   (3) Submit to a criminal history records check in accordance with § 14–308.1 of this title.

(c) The applicant shall:
   (1) Have a current certification by a national certifying board approved by the Board;
   (2) Have received a bachelor’s or master’s degree from an athletic training educational program that is accredited by the Commission on Accreditation of Athletic Training Education or its successor;
   (3) Demonstrate oral and written competency in English as required by the Board; and
   (4) Meet any other requirements established by the Board.

(d) The Board shall waive the education requirements under this section if an individual was certified by the National Athletic Trainers’ Association Board of Certification, Inc., on or before October 1, 2012, and is currently in good standing.

§14–5D–09.

(a) To apply for a license, an applicant shall:
   (1) Submit to a criminal history records check in accordance with § 14–308.1 of this title;
   (2) Submit an application to the Board on the form that the Board requires; and
   (3) Pay to the Board the application fee set by the Board.

(b) Subject to subsection (c) of this section, the Board shall issue the appropriate license to an applicant who meets the requirements of this subtitle for that license.

(c) The Board shall:
   (1) On receipt of the criminal history record information of an applicant for licensure forwarded to the Board in accordance with § 14–308.1 of this title, in
determining whether to issue a license, the Board shall consider:

(i) The age at which the crime was committed;
(ii) The nature of the crime;
(iii) The circumstances surrounding the crime;
(iv) The length of time that has passed since the crime;
(v) Subsequent work history;
(vi) Employment and character references; and
(vii) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a license if the criminal history record information required under § 14–308.1 of this title has not been received.

§14–5D–10.

(a) An athletic trainer license authorizes the licensee to practice athletic training services in an approved setting while the license is effective.

(b) A licensed athletic trainer shall practice athletic training in accordance with the evaluation and treatment protocol between the athletic trainer and a licensed physician.

§14–5D–11.

(a) Nothing in this title may be construed to authorize an athletic trainer to practice except under the supervision of a licensed physician and in an approved setting.

(b) Before an athletic trainer may practice athletic training, the athletic trainer shall:

(1) Obtain a license under this subtitle;
(2) Enter into a written evaluation and treatment protocol with a licensed physician; and
(3) Except as provided in § 14–5D–11.3(a) of this subtitle, obtain Board approval of the evaluation and treatment protocol.

(c) An evaluation and treatment protocol shall:

(1) Describe the qualifications of the licensed physician and licensed athletic trainer;
(2) Describe the settings where the athletic trainer may practice;
(3) Describe the physician supervision mechanisms that the physician will use to give direction to the athletic trainer;
(4) Specify the treatment procedures the athletic trainer may perform;
(5) Describe tasks the athletic trainer may not perform;
(6) Describe specialized tasks the supervising physician is delegating to the athletic trainer to perform with documentation of competencies, certification, credentials, or any other requirements established by the Board to support the delegation of the specialized tasks;
(7) Indicate whether the athletic trainer may accept outside referrals from nonsupervising physicians and other licensed health care practitioners;
(8) Designate an alternate supervising physician, if appropriate or necessary; and
(9) Contain an attestation that states the supervising physician will be responsible for providing ongoing and immediately available instruction that is adequate to ensure the safety and welfare of a patient and is appropriate to the setting.

(d) An athletic trainer may accept an outside referral from a nonsupervising physician or licensed health care practitioner if:

(1) The supervising physician specifies in the evaluation and treatment protocol that the athletic trainer may accept referrals from a nonsupervising physician or licensed health care practitioner;
(2) The nonsupervising physician or licensed health care practitioner has seen the athlete and has written an order for the care of the athlete; and
(3) The treatment procedures to be used by the athletic trainer are:

(i) Within the scope of practice of an athletic trainer; and
(ii) Included in the evaluation and treatment protocol that the athletic trainer has entered into with the supervising physician.

e) In the event of a sudden departure, incapacity, or death of a supervising physician, a
designated alternate supervising physician may assume the role of the supervising physician by submitting an evaluation and treatment protocol to the Board within 15 days of the event.

§14–5D–11.1.

(a) Except as otherwise provided in this subtitle, a licensed physician may not employ or supervise an individual practicing athletic training without a license or without an approved evaluation and treatment protocol.
(b) Except as otherwise provided in this subtitle, a hospital, an institution, an alternative health system, or any other employer may not employ an individual practicing athletic training without a license or without an approved evaluation and treatment protocol.
(c) The Board may impose a civil penalty of up to $1,000 on a person who employs or supervises an individual without a license or without an approved evaluation and treatment protocol.

§14–5D–11.2.

(a) A physician or an employer shall notify the Board within 10 days of the termination of an athletic trainer for reasons that would be grounds for discipline under this subtitle.
(b) A supervising physician and an athletic trainer shall notify the Board of the termination of the relationship under an evaluation and treatment protocol.

§14–5D–11.3.

(a) An athletic trainer may assume the duties under an evaluation and treatment protocol after receiving a written recommendation of approval from the Committee if:
   (i) The evaluation and treatment protocol does not include specialized tasks; or
   (ii) The evaluation and treatment protocol includes specialized tasks that the Board previously has approved under § 14–5D–11 of this subtitle.
(2) If an evaluation and treatment protocol includes specialized tasks that have not been previously approved by the Board under § 14–5D–11 of this subtitle, an athletic trainer may only perform the specialized task after receiving written approval from the Board.
(b) The Board may disapprove an evaluation and treatment protocol or a specialized task included in the evaluation and treatment protocol if the Board determines that:
   (1) The evaluation and treatment protocol does not meet the requirements of § 14–5D–11(c) of this subtitle;
   (2) The athletic trainer is unable to perform the specialized task safely; or
   (3) The specialized task is outside the practice scope of an athletic trainer.
(c) If the Board disapproves an evaluation and treatment protocol or a specialized task included in an evaluation and treatment protocol, the Board shall send to the primary supervising physician and the athletic trainer written notice of the disapproval.
(d) An athletic trainer who receives notice of a disapproval under subsection (c) of this section shall immediately cease practicing under the evaluation and treatment protocol or performing the specialized task.
(e) An individual member of the Board is not civilly liable for any act or omission relating to the approval, modification, or disapproval of an evaluation and treatment protocol.

§14–5D–12.

(a) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.
(b) At least 1 month before a license expires, the Board shall send to the licensee a renewal notice that states:
   (1) The date on which the current license expires;
   (2) The date by which the renewal application must be received by the Board for
the renewal to be issued and mailed before the license expires; and
(3) The amount of the renewal fee.

(c) Except as otherwise provided in this subtitle, before a license expires, the licensee periodically may renew it for an additional term, if the licensee:
   (1) Otherwise is entitled to be licensed;
   (2) Pays to the Board a renewal fee set by the Board; and
   (3) Submits to the Board:
      (i) A renewal application on the form that the Board requires;
      (ii) Satisfactory evidence of compliance with any continuing education or competency requirements; and
      (iii) Any other requirements set under this section for license renewal.

(d) In addition to any other qualifications and requirements established by the Board, the Board may establish continuing education or competency requirements as a condition of the renewal of licenses under this section.

(e) The Board shall renew the license of each licensee who meets the requirements of this section.

(f) The Board shall reinstate the license of an athletic trainer who has failed to renew the license for any reason if the athletic trainer:
   (1) Applies for reinstatement;
   (2) Meets renewal and reinstatement requirements; and
   (3) Pays to the Board the reinstatement fee set by the Board.

(g) The Board may impose a civil penalty of up to $100 per continuing education credit in lieu of a sanction under § 14–5D–14 of this subtitle, for a first offense for failure of a licensee to obtain the continuing education credits required by the Board.

(h)
   (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this title for:
      (i) Annual renewal applicants as determined by regulations adopted by the Board; and
      (ii) Each former licensee who files for reinstatement under subsection (f) of this section.
   (2) On receipt of the criminal history record information of a licensee forwarded to the Board in accordance with § 14–308.1 of this title, in determining whether disciplinary action should be taken, based on the criminal history record information, against a licensee who renewed or reinstated a license, the Board shall consider:
      (i) The age at which the crime was committed;
      (ii) The nature of the crime;
      (iii) The circumstances surrounding the crime;
      (iv) The length of time that has passed since the crime;
      (v) Subsequent work history;
      (vi) Employment and character references; and
      (vii) Other evidence that demonstrates whether the licensee poses a threat to the public health or safety.
   (3) The Board may renew or reinstate a license only if the licensee or applicant attests that the licensee or applicant has submitted to a criminal history records check under § 14–308.1 of this title.

§14–5D–12.1.

(a) A licensee shall notify the Board in writing of a change in name or address within 60 days after the change.

(b) A licensee who fails to comply with subsection (a) of this section is subject to an administrative penalty of $100.


Unless the Board agrees to accept the surrender of a license, a licensed athletic trainer may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the licensee.
§14–5D–14.

(a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

1. Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another;
2. Fraudulently or deceptively uses a license;
3. Is guilty of unprofessional or immoral conduct in the practice of athletic training;
4. Is professionally, physically, or mentally incompetent;
5. Abandons a patient;
6. Habitually is intoxicated;
7. Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;
8. Provides professional services while:
   (i) Under the influence of alcohol; or
   (ii) Using any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article, or any other drug that is in excess of therapeutic amounts or without valid medical indication;
9. Promotes the sale of services, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;
10. Willfully makes or files a false report or record in the practice of athletic training;
11. Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
12. Breaches patient confidentiality;
13. Pays or agrees to pay any sum or provide any form of remuneration or material benefit to any individual for bringing or referring a patient or accepts or agrees to accept any sum or any form of remuneration or material benefit from an individual for bringing or referring a patient;
14. Knowingly makes a misrepresentation while practicing athletic training;
15. Knowingly practices athletic training with an unauthorized individual or aids an unauthorized individual in the practice of athletic trainer services;
16. Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine;
17. Is disciplined by a licensing, certifying, or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed services or the Veterans Administration for an act that would be grounds for disciplinary action under this section;
18. Fails to meet appropriate standards for the delivery of athletic training services,
19. Knowingly submits false statements to collect fees for which services have not been provided;
20. (i) Has been subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under the Board’s disciplinary statutes; and
   (ii) Has:
      1. Surrendered the license issued by the state or country; or
      2. Allowed the license issued by the state or country to expire or lapse;
22. Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;
23. Practices or attempts to practice beyond the authorized scope of practice;
Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

Practices or attempts to practice an athletic training procedure or uses or attempts to use athletic training equipment if the applicant or licensee has not received education and training in the performance of the procedure or the use of the equipment;

Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel;

Fails to practice under the supervision of a physician or violates the approved evaluation and treatment protocol;

Violates an order of the Board or a disciplinary panel, including any condition of probation; or

Fails to submit to a criminal history records check under § 14–308.1 of this title.

On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

After completion of the appellate process, if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.


(a)

Except as otherwise provided in § 10–226 of the State Government Article, before the Board or a disciplinary panel takes any action under § 14–5D–14 of this subtitle, the Board or the disciplinary panel shall give the individual against whom the action is contemplated an opportunity for a hearing before a hearing officer.

The hearing officer shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

The Board or a disciplinary panel may administer oaths in connection with any proceedings under this section.

At least 14 days before the hearing, a hearing notice shall be sent by certified mail to the last known address of the individual.

(b)

Any person aggrieved by a final decision of the Board or a disciplinary panel under this subtitle may take a direct judicial appeal.

The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

An order of the Board or a disciplinary panel may not be stayed pending review.

The Board may appeal from any decision that reverses or modifies an order of the Board or a disciplinary panel.

§14–5D–16.

(a) Subject to subsection (c) of this section, on the application of an individual whose license has been revoked, a disciplinary panel may reinstate a revoked license.

(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.

(c) A disciplinary panel may not reinstate a revoked license that has been revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) Submits to a criminal history records check in accordance with § 14–308.1 of this title.

(a) Following the filing of charges or notice of initial denial of license application, the Board shall disclose the filing to the public on the Board’s Web site.

(b) The Board shall create and maintain a public individual profile on each licensee that includes the following information:

1. A summary of charges filed against the licensee, including a copy of the charging document, until a disciplinary panel has taken action under § 14–5D–14 of this subtitle based on the charges or has rescinded the charges;
2. A description of any disciplinary action taken by the Board or a disciplinary panel against the licensee within the most recent 10–year period that includes a copy of the public order;
3. A description in summary form of any final disciplinary action taken by a licensing board in any other state or jurisdiction against the licensee within the most recent 10–year period if the Board knows of the disciplinary action;
4. A description of a conviction or entry of a plea of guilty or nolo contendere by the licensee for a crime involving moral turpitude that is the basis for disciplinary action taken under § 14–5D–14(b) of this subtitle; and
5. The public address of the licensee.

(c) In addition to the requirements of subsection (b) of this section, the Board shall include on each licensee’s profile a statement of information to be taken into consideration by a consumer when viewing a licensee’s profile, including a disclaimer stating that a charging document does not indicate a final finding of guilt by a disciplinary panel.

(d) The Board:

1. On receipt of a written request for a licensee’s profile from any person, shall forward a written copy of the profile to the person; and
2. Shall maintain a Web site that serves as a single point of entry where all licensee profile information is available to the public on the Internet.

(e) The Board shall provide a mechanism for the notification and prompt correction of any factual inaccuracies in a licensee’s profile.

(f) The Board shall include information relating to charges filed against a licensee by a disciplinary panel and any final disciplinary action taken by a disciplinary panel against a licensee in the licensee’s profile within 10 days after the charges are filed or the action becomes final.

§14–5D–17.

Unless authorized to practice athletic training under this subtitle, a person may not:

1. Practice athletic training in this State;
2. Attempt to practice or offer to practice athletic training in this State;
3. Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice athletic training in this State; or
4. Use the abbreviation “A.T.”, “A.T.L.”, “L.A.T.”., or any other words, letters, or symbols with the intent to represent that the person practices athletic training.

§14–5D–18.

(a) A person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.

(b) Any person who violates any provision of this subtitle is subject to a civil fine of not more than $5,000 to be levied by a disciplinary panel.

(c) The Board shall pay any penalty collected under this section into the Board of Physicians Fund.

§14–5D–19.

This subtitle may be cited as the “Maryland Athletic Trainers Act”.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act and subject to the termination of this title under § 14–702 of this title, this subtitle and all rules and regulations adopted under this subtitle shall terminate and be of no effect after July 1, 2023.